

SUPERIOR COURT
OF THE
STATE OF DELAWARE

E. SCOTT BRADLEY
JUDGE

SUSSEX COUNTY COURTHOUSE
1 The Circle, Suite 2
GEORGETOWN, DE 19947

January 30, 2009

Shane J. Deshields
SBI No.
Sussex Correctional Center
P.O. Box 500
Georgetown, DE 19947

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Office of the Public Defender
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Paula Ryan, Esquire
Department of Justice
114 E. Market Street
Georgetown, DE 19947

RE: State of Delaware v. Shane J. Deshields
Def. ID No. 0304012359A
Letter Opinion

Date Submitted: September 25, 2008

Dear Mr. Deshields and Counsel:

This is my decision on Shane J. Deshields' second motion for postconviction relief. Deshields was convicted of Murder in the First Degree, Murder in the Second Degree, Robbery in the First Degree, Conspiracy in the Second Degree, and three counts of Possession of a Firearm During the Commission of a Felony. The charges arose out of Deshields' murder of George K. Coverdale during a robbery. The Supreme Court affirmed Deshields' convictions on July 15, 2005.¹ I denied Deshields' first motion for postconviction relief on May 31, 2007.²

Deshields alleges in his second motion for postconviction relief that he was convicted of acts

¹ *Deshields v. State*, 879 A.2d 591 (Del. 2005).

² *State v. Deshields*, 2007 WL 1748658 (Del. Super. May 31, 2007).

that no longer constitute the crime of felony murder.³ Deshields is relying on the holding in *Williams v. State*.⁴ In this case, the Delaware Supreme Court held that the felony murder statute “not only requires that the murder occur during the course of the felony but also that the murder occur to facilitate the commission of the felony.” The holding in *Williams* is not helpful to Deshields.

Deshields and his co-defendant, Michael Smith, hatched a plan to steal cocaine from Coverdale, a drug dealer. Deshields set up a meeting with Coverdale to “purchase” cocaine at a relative’s house. When Coverdale arrived in a van, Deshields and Smith were already there and armed with pistols. Deshields and Smith then got into the back of Coverdale’s van. When Coverdale took out the cocaine, Deshields snatched it from him without paying. Coverdale then pulled out a pistol, jumped out of the van and started shooting at Deshields and Smith. They both shot back at Coverdale as he tried to run away. A bullet from Deshields’ pistol struck Coverdale in the chest and killed him. I gave the jury the following instruction on this particular element of the offense of murder in the first degree:

The death occurred in the course of and in furtherance of the commission or attempted commission of Robbery in the First Degree, a felony. “In furtherance of” means that the murder must be committed in order to facilitate the commission of the felony, Robbery in the First Degree. In other words, the murder must help move the Robbery in the First Degree forward. The death must be the consequence of the Robbery in the First Degree and not merely a coincidence.

The jury instruction is correct.⁵ The jury’s verdict is supported by the evidence.⁶ It is clear that

³ 11 Del.C. § 636(a)(2)

⁴ 818 A.2d 906 (Del. 2002) (Amended April 1, 2003).

⁵ *Claudio v. State*, 958 A.2d 846, 851 (Del. 2008).

⁶ *State v. Burns*, 2007 WL 2677064, at * 1 (Del. Super. Sept. 11, 2007).

Deshields murdered Coverdale in the course of and to facilitate the robbery of him. Therefore, the acts committed by Deshields do constitute felony murder.

Shane J. Deshields' Motion for Postconviction Relief is DENIED.

IT IS SO ORDERED.

Very truly yours,

E. Scott Bradley

cc: Prothonotary's Office